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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,279	11/10/2000	Peter I. Clarke	ERC-DATA	6853

545 7590 11/18/2003

HANDAL & MOROFSKY  
80 WASHINGTON STREET  
NORWALK, CT 06854

EXAMINER
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GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/711,279

Applicant(s)

CLARKE ET AL.

Examiner

Stephen M Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1,7 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-26 is/are allowed.
- 6) ☐ Claim(s) 1,7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

Claim 26 objected to because it depends upon itself. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McGovern et al. (US 5,978,768). McGovern discloses a method comprising:

a server having a memory and a database defined in the memory (column 6 lines 40-55);

a candidate in communication with said server, said server communicating a plurality of form fields to said candidate, said form fields requesting input data from said candidate, said input data being added to the database (column 8 lines 14-26);

a first computer program, whereby said program processes the input data and associates an alphanumeric score with the candidate, said score being added to the database, wherein said communication with said server takes place on the world wide web, said plurality of form fields comprise at least one home web page, further comprising hyperlinks located on a plurality of web pages, said hyperlinks linking said plurality of web pages with said home web page, said hyperlinks being graphical representations of three-dimensional buttons, and a candidate links to said home web page via a hyperlink on one of said plurality of web pages, and further comprising

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referral data associated with said candidate, said referral data identifying said one of said plurality of web pages (implicitly anticipated at column 9 lines 8-65).

***Claim Rejections - 35 USC § 103***

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobotka et al. (US 5,197,004) in view of Ratsaby et al. (WO 00/70481). Sobotka discloses a method comprising:

requesting information from an employment seeking candidate using a computer associated with said employment seeking candidate, said computer associated with said employment seeking candidate communicating with a central computer facility over a communication system (column 2 lines 55-65);

receiving information from said employment seeking candidate (column 4 lines 10-50);

scoring a portion of the information received based on criteria established by the employer (column 4 lines 56-67). Sobotka discloses the claimed invention, as discussed, except for the claimed steps of:

sending said information received from the employment seeking candidate and score to a database; and

sending notification of said information received to the employer, wherein said requesting of information is done by presenting a blank form as a computer screen, and said receiving information is done by the client using an alphanumeric input device such as a keyboard or voice recognition program to input data, said communication system

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being the world wide web, said requesting of information being done by presenting a blank form as a web page, the employment seeking candidate beginning communication with the web page via a second web page, and a universal resource locator on the second web page becoming associated with the employment seeking candidate, said universal resource locator of the second web page being stored in a database. Ratsaby discloses those excepted steps on page 4 line 4 and continuing through page 9 line 15). It would have been obvious to those skilled in the art to provide the steps of sending said information received from the employment seeking candidate and score to a database and sending notification of said information received to the employer, wherein said requesting of information is done by presenting a blank form as a computer screen, and said receiving information is done by the client using an alphanumeric input device such as a keyboard or voice recognition program to input data, said communication system being the world wide web, said requesting of information being done by presenting a blank form as a web page, the employment seeking candidate beginning communication with the web page via a second web page, and a universal resource locator on the second web page becoming associated with the employment seeking candidate, said universal resource locator of the second web page being stored in a database as taught by Ratsaby for the purpose of allowing communication of information gathered for employment positions through computer network systems such as the internet.

***Allowable Subject Matter***

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Claims 13-26 are considered allowable over the prior art. The independently claimed feature of employment sourcing web site transfer over a publicly accessible network including scoring and charging or crediting a referring web site responsorial information visit is not found in the prior art either singly or in combination. This patentably distinct feature is found in each of independent claims 13 and 17. The closest United States patent prior art is considered McCarthy, discussed above in the rejection. The most relevant foreign references is considered Ratsaby, also discussed above in the rejection. The most relevant non-patent literature is considered the trademark SELECTECH, discussed in a prior Office action rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Steve Gravini whose voice telephone number is (703) 308-7570 and electronic transmission / e-mail address is "steve.gravini@uspto.gov". Examiner can normally be contacted Monday through Friday from 6:00 a.m. to 3:30 p.m. **If applicants choose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP 502.02. Information may be sent to the Office by facsimile transmission. The facsimile transmission telephone numbers for TC-3600 are:

After-final	(703) 872-9327
Official	(703) 872-9306
Non-Official/Draft	(703) 872-9325

*Steve Gravini*  
STEPHEN GRAVINI  
PRIMARY EXAMINER

smg  
November 14, 2003